

No. 4247-41-75/15548.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Jai Hind Metal, Industries, Jagadhri.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT HARYANA,
ROHTAK

Reference No 32 of 1973
between

SHRI DAYA NAND AND THE MANAGEMENT OF M/S JAI HIND METAL INDUSTRIES,
JAGADHRI

Present :

Shri Madhusudan Saram Kaushish for the workman.
Shri Subhash Chander for management.

AWARD

Shri Daya Nand workman concerned was in the service of M/s Jai Hind Metal Industries, Jagadhri. The management allegedly terminated his services with effect from 6th July, 1972 without justification. He demanded reinstatement but without success.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, vide order No. ID/UMB/270-B-72/14932-36, dated 23rd April, 1973, with the following term of reference.

"Whether the termination of services of Shri Daya Nand, was justified and in order ?
If not, to what relief is he entitled ?"

The parties were called upon to put in their respective pleadings. No statements have yet been filed. No enquiry is, however, necessary in the case as the workman concerned does not want to proceed with the reference, as stated by his authorised representative Shri Madhusudan Saram Kaushish.

The reference shall, in the result, stand rejected holding that the workman concerned is not entitled to any relief by way of reinstatement or payment of any dues. In the circumstances, there shall be no order as to costs.

Dated 22nd April, 1975.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 968, dated the 25th April, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4099 4Lab-75/15550.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Emerson Pal Plastic, N. I. T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 253 of 1971

between

SHRI SHYAM BALI AND THE MANAGEMENT OF M/S EMERSON PAL PLASTIC, N. I. T.,
FARIDABAD

Present :

Shri R. C. Sharma, for the management.

Nemo, for the workman.

AWARD

The following dispute between the management of M/s Emerson Pal Plastic, N. I. T., Faridabad and its workmen Shri Shyam Bali was referred for adjudication to this court by order No. 11D/FD/102-B, 71/40236, dated 13th December, 1974 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Shyam Bali was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference, usual notices were given to the parties. The workman concerned has not filed any statement of claim in spite of getting several adjournments. The management, on the other hand, has pleaded settlement of the dispute. The learned representative of the workman disputed the same. The following issue was framed.

Whether the workman concerned had settled the dispute the subject matter of the present reference and received dues in full and final settlement of his entire claims including the right of reinstatement or re-employment.

The case was fixed for evidence and the workman concerned was directed to appear in person to admit or deny the alleged settlement. He has elected not to appear and his authorised representative is also not present.

Statement of Shri Satpal Singh, Proprietor of the concern has been recorded. According to him, Shri Shyam Bali had approached him for the clearance of his account as he no longer wanted to serve in the factory. His account was accordingly checked and a sum of Rs. 651/50 found due was paid to him against voucher copy Exhibit M. 1 (original seen and returned). This payment was made in the presence of Shri Amar Singh Sharma, President of the General Engineering Mazdoor Union and Shri Raghbir Singh Walla, Head Clerk of the Conciliation Officer, Faridabad who have both witnessed the voucher. The workman has further addressed the application Exhibit M. 2 to this court admitting the settlement of his dispute and the payment of the aforesaid amount to him. This application is also witnessed by Shri Amar Singh Sharma, President of the union.

In view of the above, I am satisfied that the dispute has been finally settled and Shri Shyam Bali workman concerned has received payment of Rs. 651/50 in full and final settlement of his entire claims against the management including the right of reinstatement or re-employment and as such he is not entitled to any other relief in the case. The award is made accordingly. There shall, however, be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 15th April, 1975.

No. 883, dated the 21st April, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4100-41-75/15552—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Chint Purni crushers, Mathura Road, Faridabad—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 204 of 1972

Between

SHRI BAHADUR SINGH AND THE MANAGEMENT OF M/S CHINT PURNI CRUSHERS,
MATHURA ROAD, FARIDABAD.

Present.—

Shri Darshan Singh for the workman,
Nemo, for the management.

AWARD

By order No. ID/FD/72/32298-302 dated 22nd August, 1972 of the Governor of Haryana, the following dispute between the management of M/S Chint Purni Crushers, Mathura Road, Faridabad and its workman Shri Bahadur Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Bahadur Singh was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, usual notices were given to the parties. No statement of claim has been filed on behalf of the workman concerned in spite of a number of adjournments given in the case. His authorised representative Shri Darshan Singh states that he has no instructions to proceed with the reference. Notice issued to the management has been received back with the report that the factory has since been closed and probably that is the reason why the workman is not coming forward to pursue his claim.

In any case, in the circumstances, stated above, the reference can not proceed and presumption is that, in fact, there is no dispute between the parties which cause for adjudication. A no dispute award is, therefore, given but without any order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 15th April, 1975.

No. 882, dated 21st April, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 15th April, 1975.

No. 4098-41-75/15554.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Auto Steering India (P) Ltd. Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 58 of 1972

between

SHRI G. S. CHAWLA, WORKMAN AND THE MANAGEMENT OF M/S AUTO, STEERING
INDIA, (P) LTD., FARIDABAD

Present—

Shri Roshan Lal, for the workman

Shri Bholu Ram, for the management

AWARD

By order No. ID/FD/198-B-71/4638, dated 9th February, 1972, of the Governor of Haryana, the following dispute between the management of M/s Auto Steering India (P) Ltd., Faridabad and its workman Shri G. S. Chawla was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri G. S. Chawla was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, usual notices were given to the parties but they have not yet filed their respective pleadings. It is, however, not necessary to proceed with the case as Shri G. S. Chawla workman concerned has admittedly died and his legal heirs have not come forward to proceed with the reference.

The reference shall in the result, stand dismissed. The legal representative of the deceased workman would, however, be at liberty to take necessary action for the realisation of his dues, if any, as permissible under the law. No order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 16th April, 1975.

No. 884, dated 21st April, 1975.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, is required under section 15 of the Industrial Disputes Act, 1947.

Dated 16th April, 1975.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4089-41-75/15556 - in pursuance of the provisions of section 12 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Haryana Textile Mills, Rohtak.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 36 of 1974

between

SHRI KANSHI RAM AND THE MANAGEMENT OF M/S. HARYANA TEXTILE MILLS
ROHTAK

Present :

Shri Kanshi Ram, workman.

Shri Mohan Lal Kishore Sharma, for the management.

AWARD

Shri Kanshi Ram workman concerned was in the service of M/S. Haryana Textiles, Rohtak as a Chowkidar. The management terminated his services on 5th December, 1973. He raised a demand for reinstatement which was not accepted by the management. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court,--vide order No. ID/RK/67-C-74/14114-18, dated 25th May, 1974, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

Whether the termination of services of Shri Kanshi Ram was justified and in order? If not, to what relief is he entitled?

The parties put in their respective pleas. The management contested the claim of the workman. The following two issues arose for determination in the case.

1. Whether the pleas taken by the workman in the statement of claim are beyond the scope of the reference? If so, with what effect?
2. Whether the termination of services of Shri Kanshi Ram was justified and in order? If not, to what relief is he entitled?

The management led some evidence. The workman had yet to produce evidence in support of his claim. It is, however, not necessary to go into the merits of the case and the issues involved as an amicable settlement has been arrived at between the parties. Their statements have been recorded.

According to the settlement, the management has agreed to re-employ Shri Kanshi Ram, workman concerned as a Chowkidar and he has agreed to report for duty by 18th of April, 1975. He will get the same wages as are paid to the other Chowkidars now on duty and the management will not dispense with his services, if he, performs his duty faithfully. The management has further paid to him Rs 500 today before the court, Rs. 300/- in cash and a cheque of Rs. 200 in the name of the Union Bank of India, Rohtak including his leave wages and *ex gratia* payment, in full and final settlement of his dues.

In view of the above, no further proceedings are called for in the case and the award is made in terms of the above settlement arrived at between the parties holding that Shri Kanshi Ram workman concerned will be entitled to re-employment as Chowkidar from the date he reports for duty by 18th of April, 1975 and he would get the same wages as are paid to the other Chowkidar already in the service of the management. He will not be entitled to any other dues for the intervening period. There shall be no order as to costs.

Dated, the 15th April, 1975

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,
Rohtak.

No. 887, dated 21st April, 1975

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,
Rohtak.

No. 4249-41-75/1558.—In pursuance of provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Ambala Co-operative Consumer Store Ltd., Ambala City.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 92 of 1972

between

SHRI BRIJ LAL AND THE MANAGEMENT OF AMBALA CO-OPERATIVE CONSUMER
STORE LTD., AMBALA CITY.

Present :

Shri Madhusudan Saran Kaushish for the workman,

D. S. Rekhi for the management.

AWARD

By order No. ID/AMB/432-A-72/8698 dated 2nd March, 1972 of the Governor of Haryana, the following dispute between the management M/s Ambala Co-operative Consumer Store Ltd., Ambala City and its workman Shri Brij Lal was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Brij Lal was justified and in order? If not, to what relief is he entitled?"

Usual notices were given to the parties. It is, however, not necessary to proceed with the case as Shri Brij Lal, the workman concerned has since died, as stated by his authorised representative Shri Madhusudan Saran Kaushish and no legal representative of the deceased has come forward to pursue the claim.

In view of the above, the reference shall stand rejected. The legal representative representatives of the deceased would, however, be at liberty to take legal proceedings for the recovery of the dues of the deceased, if any. The award is made accordingly but without any order as to costs.

O. P. SHARMA,

The 22nd April, 1975.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 970, dated 25th April, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4248-H-75/15560.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Tilak Raj-Harish Chander Metal, Mangat Pura, Jagadhri :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 74 of 1973

between

SHRI MOTI RAM AND THE MANAGEMENT OF M/S TILAK RAJ HARISH CHANDER
METAL, MANGAT PURA, JAGADHRI

Present :

Shri Surinder Kumar, for the workmen

Shri Subhas Chander, for the management.

AWARD

This judgment will disclose of this and the connected reference No. 33 of 1974 which have been consolidated, there being some common points involved in both the cases. The facts relevant for the judgment may briefly be stated as under.

Sarvshri Moti Ram and Madan Lal were in the service of M/s Tilak Raj Harish Chander Metal, Mangat Pura, Jagadhri. The management terminated their services. Feeling aggrieved, they demanded reinstatement with payment of back wages alleging that the termination of their services was illegal and not justified.

On receipt of the failure reports from the Conciliation Officer in both the cases, the Governor of Haryana referred the disputes for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following terms of reference.

1. Reference No. 74 of 1973,—*vide* order No. 1D/40805-9, dated 10th October, 1973.

“Whether the termination of services of Shri Moti Ram was justified and in order? If not, to what relief is he entitled?”

2. Reference No. 33 of 1974,—*vide* order No. ID/13713-17, dated 21st September, 1974.

“Whether the termination of services of Shri Madan Lal was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties who have arrived at an amicable settlement, as per terms and conditions given in the memorandum of settlement Exhibit M-1. S/Shri Moti Ram and Madan Lal workmen concerned have further been paid Rs 100/- and Rs 400/- respectively against receipts Exhibits M-2 and M-3 in accordance with the above settlement in full and final settlement of their entire claims against the management including the right of reinstatement or re-employment. The payments were made in the presence of the Labour Officer-cum-Conciliation Officer, Yamuna Nagar who had attested the receipts. Statements of the authorised representatives of the parties have been recorded. The said settlement and payment of the dues of the workmen concerned is admitted by their authorised representative Shri Surinder Kumar, General Secretary, Metal Workers Union, Jagadhri.

In view of the above, no further proceedings are called for and a no-dispute award is given in both the cases in terms of the above settlement amicably arrived at between the parties, holding that the workman concerned are not entitled to any other relief. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,
Rohtak.

Dated the 22nd April, 1975.

No. 969, dated the 25th April, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana,
Rohtak.

No. 4386-41-75/15587,—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Swastika Woollen Mills, Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 12 of 1974

between

SHRI BABU LAL AND THE MANAGEMENT OF MESSRS SWASTIKA WOOLLEN MILLS,
PANIPAT

Present :

Shri Raghubir Singh, for the workman.

Shri Surinder Kaushal, for the management.

AWARD

Shri Babu Lal workman concerned was in the service of M/s Swastika Woollen Mills, Panipat. The following dispute between him and the management was referred for adjudication to this Court by Order No. ID/KNL/14-B-73/4143-47, dated 19th February, 1974 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (j) of Section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Babu Lal was justified and in order? If not, to what relief is he entitled?”

The parties were called upon to put in their respective pleadings. The management contested the claim of the workman mainly on the ground that he had been appointed on probation for 3 months whereafter he had absented himself from duty without any proper authorisation and as such it was a case of self abandonment of service by the workman. In his replication the workman controverted the above allegations of the management. The following issues arise for determination in the case.

1. Whether Shri Baba Lal, workman concerned was appointed on probation for 3 months and he had absented himself from duty without any proper authorisation from 27th June, 1973 onwards and as such it is a case of self abandonment of service by him?
2. Whether the termination of services of Shri Babu Lal was justified and in order? If not, to what relief is he entitled?

The management has examined one witness Shri Roop Chand Cashier and has further placed reliance upon documentary evidence consisting of the letter of appointment dated 21st April, 1973 of the workman which is signed by him Exhibit M. 1, letter dated 4th July, 1973 intimating him that since he had been absenting himself from duty from 27th June, 1973 onwards without any leave or proper authorisation his services stood terminated and he could collect his dues on any day during working hours Exhibit M. 2 which was sent to him by registered post, postal receipt Exhibit M. 3, A. D. receipt Exhibit M. 4, relevant extract of the Certified Standing Orders of the Company Exhibit M. 5.

The workman has led no evidence in rebuttal. He has not come forward even to make his own statement to refute the above allegations of the management. His authorised representative Shri Raghbir Singh has stated that he has written several letters to the workman but he is not taking any interest in his case and he has no instructions from him to proceed with the reference.

I have gone through the record and heard the learned representatives of the parties, the appointment letter of the workman Exhibit M. 1 speaks for itself. His appointment was only on probation for 3 months and during this period he had started absenting himself from duty without any proper authorisation as would be clear from the letter Exhibit M. 2 written to him by the management on 4th July, 1973 which was sent to him under registered cover and to which he did not send any reply. The Certified Standing Orders of the Company relevant extract Exhibit M. 5 on record are further clear on the point. In clause 7 (H) of the same it has been specifically provided that if a temporary workman absents himself from duty without leave for 3 days consecutively he would be deemed to have left the service of the Company without notice and his appointment shall automatically stand terminated.

So, taking into consideration all the facts of the case together, I am satisfied that it is clearly a case of self abandonment of service by the workman concerned who had been appointed on probation for 3 months and had started absenting himself from duty without any leave or proper authorisation. There is apparently no reason to disbelieve the above plea of the management, which finds full support in oral as well as documentary evidence as discussed above, especially when the workman is himself not coming forward to pursue his claim for obvious reasons.

In the circumstances, no industrial dispute existed between the parties which could validly be referred for adjudication and in any case, the workman having himself absented from duty without any proper authority his services automatically stood terminated as per the Standing Orders of the Company by which he was governed and as such there was no question of termination of his services by the management or its justification.

On the facts established and for the reasons aforesaid, both the issues are decided in favour of the workman and against the management holding that he is not entitled to any relief by way of reinstatement or payment of back dues. The award is made accordingly. There shall be no order as to costs.

Dated the 30th April 1975

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1038, dated 1st May, 1975

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak

M. SETH,
Comm. Secy.